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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,087	08/01/2003	James T. Kirchen	13888	3205
7590	11/02/2004		EXAMINER	
			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/633,087	KIRCHEN, JAMES T.	<i>SG</i>
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,294,393 to Kraus.

Kraus discloses a substantially watertight grommet (12, 15, and 20) for use in securing a pin (1) to a first object (2), the grommet comprising a head (15) having an undersurface from which extends an elongate body (12), the body extending from the head in generally perpendicular relationship thereto (figures 2-5), the head and the body defining therethrough a bore (figure 4) that is constructed and arranged to receive the pin, a retention structure (column 4, lines 16) coupled to the body, the retention structure being constructed and arranged with respect to the head of the grommet such that when the grommet is received within a bore (7) formed in the first object, the head and the retention structure will engage opposing surfaces of the first object so as to securely retain the grommet within the bore formed therethrough (figure 4), a sealing mechanism (20) coupled to the head of the grommet that is constructed and arranged with a first portion (27 and 28) thereof forming a substantially water-tight seal between an undersurface of the head and a surface of the first object and a second portion (42 and 45) thereof forming a substantially water-tight seal between the pin and the bore defined by the head and body of the grommet, and a catchment mechanism (36) comprising a first portion (40)

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formed into a shaft (4) of the pin and a second portion (38) formed into the body of the grommet, the first and second portions of the catchment mechanism being constructed and arranged to secure the pin within the grommet (figure 4), as in claim 1.

Kraus also discloses a lower portion of the sealing mechanism extends below an undersurface of the head of the grommet (figure 4), as in claim 2, and forms circumferential seal (figure 4), as in claim 3, as well as an upper portion of the sealing mechanism extending partially into the bore defined by the head and body of the grommet so as to form an interference fit between the sealing mechanism and the pin (figure 4), as in claims 4 and 5, and the first portion of the catchment mechanism comprises at least one ridge (38) formed circumjacent to the pin, as in claim 6, and where the catchment mechanism is constructed and arranged to secure the pin within the grommet in a plurality of positions (40 and 40'), as in claim 7.

Kraus further discloses the catchment mechanism having a detent (40 and 40') formed upon an exterior surface of the pin such that when the pin is fully inserted into the bore defined by the body and head of the grommet, that portion of the pin having the detent formed thereon will protrude beyond a distal end of the body of the grommet, the detent acting to prevent withdrawal of the pin from the grommet (figure 4), as in claim 8, wherein the sealing mechanism is a single molded piece (figure 1), as in claim 1, and where the head of the grommet has a part formed therethrough configured for receiving the sealing mechanism overmolded integrally with the head of the grommet (figure 4), as in claim 10, as well as the head of the grommet having a bore from an upper surface to an undersurface and the sealing mechanism first and second portions are joined through the bore (figure 4), as in claim 11.

Response to Arguments

Applicant's arguments, see pages 4, lines 4-26, and page 5, lines 1-20, filed August 24, 2004, with respect to claims 9 and 10 have been fully considered and are persuasive. The objection, and rejection of claims 9 and 10 have been withdrawn.

Applicant's arguments, with respect to the 35 U.S. C. §102 (b) rejections, filed August 24, 2004 have been fully considered but they are not persuasive. The examiner asserts Kraus discloses every feature recited in the applicant's claims. Regarding the assembly as disclosed by Kraus, the current application does not recite whether the current grommet is comprised of one singular element, or a plurality of components assembled together to form a unitary construction. Further more, Kraus does disclose a sealing mechanism (20) that has a first portion forming a watertight seal between the undersurface of the head and a surface of an object (27 and 28), as well as a second portion of the sealing mechanism formed between the pin and the bore (42 and 45). Thusly, Kraus anticipates every element recited within the applicant's current claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to sealing grommet assemblies:

U.S. Patent Number 5,173,026 to Cordola et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB CB
October 26, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600